

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
THE EXPORT-IMPORT BANK OF THE REPUBLIC
OF CHINA, :

16 Civ. 4480 (DAB)

Plaintiff and Judgment Creditor,

-against-

DEMOCRATIC REPUBLIC OF THE CONGO,

Defendant and Judgment Debtor.
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**DECLARATION OF CLARK A. FREEMAN REGARDING
IMPOSITION ATTORNEYS' FEES INCURRED
IN BRINGING PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS
AGAINST DEFENDANT DEMOCRATIC REPUBLIC OF THE CONGO**

Clark A. Freeman, pursuant to 28 U.S.C. §1746, declares:

1. I am a member of the New York State Bar, admitted to practice to this Court, and an associate at Sullivan & Worcester LLP, attorneys for Plaintiff The Export-Import Bank of the Republic of China ("Ex-Im Bank") in this action. I make this declaration based on my personal knowledge and a review of the case files.

2. I submit this declaration pursuant to the Court's August 29, 2018 Order (ECF 26, the "Order"), in which the Court, *inter alia*, (a) granted Ex-Im Bank's motion (ECF 23-25, the "Motion") to compel Defendant the Democratic Republic of the Congo ("DRC") to answer interrogatories and respond to document requests that Ex-Im Bank had previously served on it; (b) directed Ex-Im Bank to serve the Order on DRC; (c) ordered DRC to answer the interrogatories and respond to the document requests previously served within 30 days of the

Order; and (d) directed Ex-Im Bank to file an accounting for its attorneys fees incurred in bringing the Motion.

3. My office duly served the Order on DRC on September 5, 2018, pursuant to the special arrangements set forth in the loan agreements at issue in this litigation. (ECF 28).

4. As of the date of this writing, 37 days after the date of the Order, DRC has failed to answer the interrogatories or respond to the document requests Ex-Im Bank previously served. Moreover, DRC has made no attempt to contact us, including to request an extension of time to comply with Court's Order.

5. As detailed in the chart below, Sullivan & Worcester LLP's attorney fees and disbursements to prepare and serve the Motion total \$11,025.00.

Timekeeper	Billing Rate	Hours	Total
Paul E. Summit (Columbia Law School 1977)	\$990	6.9	\$ 6,831.00
Clark A. Freeman (Cornell Law School 2011)	\$570	3.6	2,052.00
Richard J. Lombardo (Fordham University 1996)	\$340	6.3	2,142.00
Total Fees			\$ 11,025.00

WHEREFORE, Ex-Im Bank respectfully requests that the Court enter an order awarding Sullivan & Worcester LLP reasonable attorneys' fees and disbursements in connection with the Motion in the amount of \$11,025.00.

Dated: New York, New York
October 5, 2018

/s/Clark A. Freeman
Clark A. Freeman